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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/183,732	10/30/1998	CHRISTOPHER D. WILLIAMS	042390.P6485	3453

7590 03/04/2003

JORDAN M BECKER  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
12400 WILSHIRE BOULEVARD  
7TH FLOOR  
LOS ANGELES, CA 90025

EXAMINER

KOENIG, ANDREW Y

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 03/04/2003

19

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/183,732

Applicant(s)

WILLIAMS ET AL. 

Examiner

Andrew Y Koenig

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 and 33-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 33-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-20 and 33-45 have been considered but are moot in view of the new ground(s) of rejection. The applicant argued that prior failed to teach user-definable lists for a user. The examiner agrees with the applicant; however, Etheredge has been introduced to teach this limitation.
2. The amendment filed 31 December 2002 has been entered.
3. Applicant's arguments filed 7 February 2003 directed to claims 37-40 have been fully considered but they are not persuasive.
4. Regarding applicant's argument that Ellis fails to provide an indication to the user when the user has completed a cycle of the preferences list. The examiner disagrees; the claim 37 merely recites: "providing an indication to the user when the user has completed a cycle of the preferences list." Ellis teaches stopping the scanning and tuning to the start channel (col. 11, ll. 4-7), which is an indication to the user that all the channels have been scanned. Accordingly, Ellis teaches the claimed "providing an indication to the user when the user has completed a cycle of the preferences list" by stopping. Additionally, the examiner notes that there is no limitation in the claims that there is list is "continuously cycling through the preference list" as argued.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,699,125 to Rzeszewski et al. in view of U.S. Patent 5,550,576 to Klosterman and U.S. Patent 6,018,372 to Etheredge.

As to claims 1-5, note the Rzeszewski et al. reference discloses a method and device for receiving and storing electronic program guide data in a receiver having a select channel mode. The select channel feature, as described at col. 4, lines 50+, is one which allows a user, through a remote control, to program a set of select channels, whereby the microprocessor controls the tuning system to skip over non-programmed channels in response to a channel change request, and only stop on the select channels. Thus, when the receiver is in the select channel mode, channel change requests automatically move through the listed and stored channels. The system further requires that only program guide information associated with channels stored by the user in connection with the select channel function be stored, limiting the memory and processing power required for storing the program guide. As to claims, the reference clearly discloses searching a 'user-definable preferences list' while in the select channel mode, and selecting one of the channels and providing the audio and video from the channel source. As shown in figure 2, Rzeszewski teaches presenting the claimed preference list, which receives selections from the user. Further, the reference discloses the retrieval and storage of program guide database information, which is broadcast through the system, so as to be accessible by the user. And further,

the reference discloses that the retrieval of program guide data and channel selection is performed repeatedly in response to initial and subsequent user requests for select channels. Rzeszewski is silent on using a different transport medium from another source and selecting a channel from a plurality of different sources. Klosterman teaches receiving schedule information from a plurality of different transport sources and further teaches selecting a channel and switching to the appropriate source (Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rzeszewski by using a different transport medium from another source and selecting one of the channels from the different sources as taught by Klosterman in order to compile and generate a list from a plurality of sources thereby allowing the user to consolidate the information making searching easier.

Rzeszewski and Klosterman are silent on receiving user identification. Etheredge teaches entering user identification (col. 4, ll. 55-56; col. 5-6, ll. 46-5) in order to determine the accessible programs to the user. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rzeszewski by receiving user identification as taught by Etheredge in order to enable a group of users to personalize their specific information thereby providing only accessible information.

Rzeszewski and Klosterman are silent on user-definable lists for a user and selecting which list to display. Etheredge teaches an electronic program guide (EPG) that allows the user to filter user-defined lists via a slider (fig. 4, label 234) to generate a

redacted list and displaying the redacted list (fig. 4, col. 21, ll. 20-53, col. 22, ll. 8-13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rzeszewski by implementing user-definable lists for a user and selecting which list to display as taught by Etheredge in order to permit the user to selectively choose and select the programs of interest.

Claims 6-20 are met by that discussed above for claims 1-5.

7. Claims 33-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent 5,699,125 to Rzeszewski et al. in view of U.S. Patent 5,550,576 to Klosterman, U.S. Patent 6,018,372 to Etheredge, and U.S. Patent 5,986,650 to Ellis et al.

Regarding claims 37, please refer to the discussion of claims 1-5. Additionally, Rzeszewski is silent on providing an indication to the user when the user has completed a cycle of the preference list. Ellis teaches providing a passive indication when the cycle is completed by stop scanning and tuning to the start channel (col. 11, ll. 4-7). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rzeszewski by providing a passive indication to the user when the user completes a cycle as taught by Ellis in order to provide feedback to the user and thereby denote when the cycle has been complete.

Claims 33, 35, 41 are met by the discussion of claim 37.

Claims 39, 40, 43, 44, and 45 are met by the discussion of claims 1-5.

Regarding claims 34, 36, 38, and 42, Rzeszewski is silent on predetermined intervals. Ellis teaches switching channels automatically without user intervention at a

predetermined amount of time (col. 3, ll. 24-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rzeszewski by automatically switching programs at predetermined intervals as taught by Ellis in order to save the user the effort of repetitive button pressing, thereby making a more user friendly system.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y. Koenig whose telephone number is (703) 306-0399. The examiner can normally be reached on M-Th (7:30 - 6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone numbers


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for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

ayk  
February 26, 2003

  
ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600